

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ANNE MASON and THOMAS MASON,  
Plaintiffs,

v.

UNITED STATES OF AMERICA,  
Defendant.

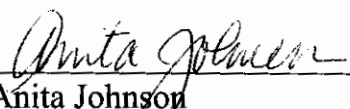
)  
)  
) CIVIL ACTION  
) NO. #05-10811-NG  
)  
)  
)

**NOTICE OF FILING**

PLEASE TAKE NOTICE that on this day the original certified or attested to copies of the state court pleadings received from the Clerk of the Wareham District Court, Small Claims Court, Plymouth County, were filed with the United States District Court.

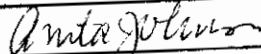
MICHAEL J. SULLIVAN,  
UNITED STATES ATTORNEY

BY:

  
Anita Johnson  
Assistant U. S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way - Suite 9200  
Boston, MA 02210  
(617) 748-3282

I hereby certify that a true copy of the  
above document was served upon (each  
party appearing pro se and) the attorney of  
record for each other party by mail on

June 14, 2005



Assistant U.S. Attorney

**Small Claims  
DOCKET**

DOCKET NUMBER

**200460SC001880****Trial Court of Massachusetts  
District Court Department**

## CASE NAME

**ANNE MASON vs. NATIONAL CON-SERV., INC.**

## CURRENT COURT

Wareham District Court  
2200 Cranberry Hwy  
West Wareham, MA 02576-1298  
(508) 295-8300

## ASSOCIATED DOCKET NO.

## DATE FILED

12/21/2004

## DATE DISPOSED

03/03/2005

## PLAINTIFF(S)

P01 ANNE MASON  
BOX 1136  
368 BEDFORD STREET  
LAKEVILLE, MA 02347

P02 THOMAS MASON

## PLAINTIFF'S ATTORNEY

RECEIVED  
CLERK  
12/21/2004

## DEFENDANT(S)/OTHER SINGLE PARTIES

D01 NATIONAL CON-SERV., INC.  
NATIONAL FLOOD INSURANCE  
PO BX 6468  
ROCKVILLE, MD

## DEFENDANT'S ATTORNEY

ANITA L. JOHNSON  
UNITED STATES COURTHOUSE  
ONE COURTHOUSE WAY  
BOSTON, MA 02210  
(617) 748-3266

| NO. | ENTRY DATE | DOCKET ENTRIES  |
|-----|------------|---|
| 1   | 12/21/2004 | Statement of Small Claim entered on 12/21/2004 at Wareham District Court.   |
| 2   | 12/21/2004 | Filing fee of \$30.00 and surcharge of \$10.00 paid (G.L. c.218 §22; 262 §4C).  |
| 3   | 12/21/2004 | MAGISTRATE TRIAL SCHEDULED for 03/03/2005 01:00 PM.   |
| 4   | 12/21/2004 | Small claim notice of trial issued to plaintiff(s) by first class mail, and to defendant(s) by first class mail (Uniform Small Claims Rule 3(a)).   |
| 5   | 03/03/2005 | Judgment for P01 ANNE MASON & P02 THOMAS MASON to recover of D01 NATIONAL CON-SERV., INC. after default the sum of \$661.05 plus prejudgment interest of \$15.65 and costs of \$40.00 for judgment total of \$716.70 ( Manchester, C-M Daryl G. ) parties notified. |
| 6   | 03/03/2005 | PAYMENT REVIEW SCHEDULED FOR 04/07/2005 01:00 PM.   |
| 7   | 03/03/2005 | Payment order to pay total amount by 04/04/2005 ( Manchester, C-M Daryl G. ) .  |

**A TRUE COPY,  
ATTEST:**

CLERK-MAGISTRATE/ASST. CLERK

**X**

DATE

200460SC001880

Date/Time Printed: 06/08/2005 02:47 PM

**JUDGMENT FOR PLAINTIFF(S)**

200460SC001880

The Court of Massachusetts  
District Court Department  
Small Claims Session



CASE NAME ANNE MASON vs. NATIONAL CON-SERV., INC.

PLAINTIFF(S) WHO ARE PARTIES TO THIS JUDGMENT

P01 ANNE MASON  
P02 THOMAS MASON

CURRENT COURT

Wareham District Court  
2200 Cranberry Hwy  
West Wareham, MA 02576-1298  
(508) 295-8300

DEFENDANT(S) WHO ARE PARTIES TO THIS JUDGMENT

D01 NATIONAL CON-SERV., INC.

PAYMENT REVIEW SCHEDULED for  
04/07/2005 01:00 PM.

←←←←←  
WHEN  
YOU  
MUST  
APPEAR  
←←←←←

ROOM/SESSION

First Session

PARTY TO WHOM THIS COPY OF JUDGMENT IS ISSUED

COURT COPY

FURTHER ORDERS OF THE COURT

ATTORNEY FOR PARTY TO WHOM THIS COPY OF JUDGMENT IS ISSUED

COURT COPY

On the above claim, after default, the Court has entered JUDGMENT IN FAVOR OF THE PLAINTIFF(s) listed above.

The defendant(s) must pay the plaintiff(s) the "Judgment Total" shown below, plus additional postjudgment interest under General Laws c. 235 § 8 at the "Annual Interest Rate" shown below from the "Date Judgment Entered" shown below until the date of payment. The defendant(s) is required by law to pay the plaintiff(s) that total amount. Unless the defendant(s) failed to appear, the defendant(s) has a right of appeal within 10 days after receiving notice of this judgment. See the enclosed instructions for additional information.

The Court also issued a PAYMENT ORDER ordering the defendant(s) to pay the total amount by 04/04/2005.

The Court also scheduled this matter for a next event on the date shown above, at which both parties must appear unless excused. **The defendant(s) is subject to arrest for failing to appear.** See the enclosed instructions.

|  |  |           |
|--|--|-----------|
| 1. Date of Breach, Demand or Complaint                                 |  | 12/21/04  |
| 2. Date Judgment Entered   |  | 3/3/05    |
| 3. Number of Days of Prejudgment Interest (Line 2 - Line 1)            |  | 72        |
| 4. Annual Interest Rate of 12.00%/ 365 = Daily Interest Rate           | A TRUE COPY ATTEST                                       | 0.032877% |
| 5. Single Damages  | Doyle  | \$661.05  |
| 6. Prejudgment Interest (lines 3x4x5)                                  | CLERK-MAGISTRATE<br>WAREHAM DIVISION                     | \$15.65   |
| 7. Double or Treble Damages Awarded by Court (where authorized by law) | DISTRICT COURT DEPT.                                     | \$0.00    |
| 8. Costs   | Filing Fee & Surcharge (G.L. c. 218 § 23 & c. 262 § 4C)  | \$40.00   |
| 9.   | Attorney Fees Awarded by Court (where authorized by law) | \$0.00    |
| 10.  | Other Costs Awarded by Court                             | \$0.00    |
| 11. JUDGMENT TOTAL PAYABLE TO PLAINTIFF(S) (lines 5+6+7+8+9+10)        |  | \$716.70  |

DATE JUDGMENT ENTERED

3/3/05

CLERK-MAGISTRATE/ASST. CLERK

X

DISTRICT COURT DEPT.  
DIVISION:

DOCKET NO.

SMALL CLAIMS POSITION WORKSHEET

PLAINTIFF'S NAME:

DEFENDANT'S NAME:

## DISPOSITION OF MOTION:

Moving Party: ( ) Plaintiff

Type of Motion:

( ) Defendant

Upon Review:

( ) Allowed.

( ) Allowed without opposition or moving party not present.

( ) Denied.

( ) Denied with prejudice.

Miscellaneous

Conditions:

Continuance Date (if any):

## ORDER FOR JUDGMENT AND PAYMENT:

Tape Reel No. Start End

After hearing on 3/3/04:

Judgment for: (X) Plaintiff

By: (X) Default

( ) Defendant

( ) After Magistrate Trial

( ) After Trial by Judge

( ) After Trial by Jury

( ) Agreement of the parties

FOR: \$ 661.05 Damages

\$ Double/Treble Damage amount

( ) Interest to be assessed at

\$ 40 Costs

12 % or at statutory rate

\$ Attorney Fee

\$ 701.05 Judgment Total

( ) Judgment to be joint and several.

A TRUE COPY ATTEST

D. J. [Signature]

CLERK OF COURT  
DISTRICT COURT DEPT.

ON COUNTERCLAIM: ( ) Counterclaim dismissed.

( ) Judgment against in the sum of \$

PAYMENT ORDERED AS FOLLOWS:

30 days

PAYMENT REVIEW DATE (if any):

4/7/05

Date of Disposition:

3/3/05 [Signature]

Justice/Clerk-Magistrate

[Signature]



|         |   |  |
|---------|---|--|
| PART 1  | BOSTON MUNICIPAL COURT<br>4060 SC 1880<br>DISTRICT COURT  | Division<br>HOUSING COURT  |
| PART 2  | PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE<br><u>Thomas R. Mason</u><br>Box 1136 Thomas Mason<br>368 Bedford St, Lakeville, MA 02347<br>PHONE NO: <u>508-923-0256</u>  | PLAINTIFF'S ATTORNEY (if any)<br>Name: <u>Thomas R. Mason</u><br>Address: <u>Box 1136 368 Bedford St. Lakeville, MA 02347</u><br>PHONE NO: <u>508-998-0566</u> BBO NO: |
| PART 3  | DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE<br><u>National Com-Serv, Inc.</u><br><u>National Flood Insurance</u><br><u>PO Box 6468, Rockville, MD</u><br>PHONE NO:  | ADDITIONAL DEFENDANT (if any)<br>Name:<br>Address:<br>A TRUE COPY ATTEST<br><u>Dayle M. Mankin</u><br>CLERK MAGISTRATE<br>WAREHAM DIVISION<br>DISTRICT COURT DEPT.     |
| PART 4  | PLAINTIFF'S CLAIM. The defendant owes \$ <u>661.05</u> plus \$ <u>40.-</u> court costs for the following reasons:<br>Give the date of the event that is the basis of your claim.<br><br><u>Flood.</u><br><u>Plaintiffs purchased insurance from the defendant, National Com-Serv. The plaintiffs prepaid his/her yearly premium, but, before the year expired, cancelled the policy, which is his/her right. Employees for the defendant have agreed to refund the amount owed; but for more than a year, refused to abide by its promise</u> |  |
| PART 5  | SIGNATURE OF PLAINTIFF <u>X</u> DATE  |  |
| PART 6  | MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date.<br><input checked="" type="checkbox"/> The plaintiff is willing to attempt to settle this claim through court mediation.  |  |
| PART 7  | MILITARY AFFIDAVIT: The plaintiff states under the pains and penalties of perjury that the:<br><input checked="" type="checkbox"/> above defendant(s) is (are) not serving in the military and at present live(s) or work(s) at the above address.<br><input type="checkbox"/> above defendant(s) is (are) serving in the military  |  |
| PART 8  | SIGNATURE OF PLAINTIFF <u>Thomas R. Mason</u> DATE <u>12-15-04</u>  | NAME AND ADDRESS OF COURT<br>WAREHAM DISTRICT COURT<br>2200 CRANBERRY HIGHWAY<br>W. WAREHAM, MA 02576  |
| PART 9  | NOTICE TO DEFENDANT:<br>You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right.<br>If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney.<br>SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM   | DATE AND TIME OF TRIAL<br><u>6/3/05</u> AT <u>1:00 P.M.</u><br>DATE 1ST SESSION TIME<br>ROOM NO  |
| PART 10 | FIRST JUSTICE<br>HON. ROSEMARY B. MINEHAN   | CLERK-MAGISTRATE OR DEPUTY<br>DOROTHY BREYON   |

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on reverse.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

WAREHAM DISTRICT  
SMALL CLAIMS COURT  
No. 200460SC001880

\_\_\_\_\_  
ANNE MASON and THOMAS MASON,

Plaintiffs,

v.

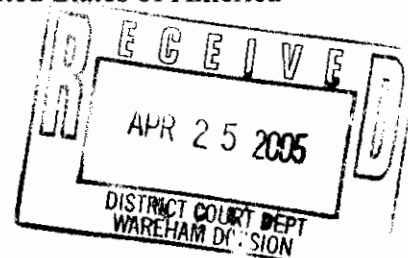
NATIONAL CON-SERV., INC.<sup>1</sup>

Defendant.  
\_\_\_\_\_

**NOTICE OF FILING  
NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that on April 22, 2005, the defendant, United States of America on behalf of its agency, Federal Emergency Management Agency ("FEMA") through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, filed a Notice of Removal of this action to the United States District Court for the District of Massachusetts.

\_\_\_\_\_  
<sup>1</sup> Plaintiff improperly named the National Con-Serv., Inc., a national flood insurance servicing agent for the Federal Emergency Management Agency. The United States of America is the proper named defendant.

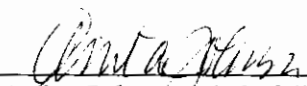


A copy of the Notice Of Removal is attached.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
Anita Johnson (BBO#565540)  
Assistant U.S. Attorney  
U. S. Attorney's Office  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3282

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I gave notice of the filing of the foregoing by mailing a copy of same, postage prepaid, first-class mail to the *pro se* plaintiffs, Anne Mason and Thomas Mason, Box 1136, 368 Bedford Street, Lakeville, MA 02347.

  
Anita Johnson

Dated: April 22, 2005



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

10:30:22 P 2:44

ANNE MASON and THOMAS MASON,

Plaintiffs,

v.

UNITED STATES OF AMERICA,<sup>1</sup>

Defendant.

05-10811-NG

COPY

CIVIL ACTION  
NO.

I hereby certify on 4/29/05 that the foregoing document is true and correct copy of the  
☐ electronic docket in the captioned case  
☐ electronically filed original filed on  
☒ original filed in my office on 4/29/05

Sarah A. Thornton  
Clerk, U.S. District Court  
District of Massachusetts

NOTICE OF REMOVAL

By: \_\_\_\_\_  
Deputy Clerk

The Defendant, United States of America on behalf of its agency, Federal Emergency Management Agency ("FEMA"), by and through his attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby gives notice pursuant to 28 U.S.C. § 1446(a) of its removal of this lawsuit to the United States District Court for the District of Massachusetts.

Removal of this action is proper pursuant to 28 U.S.C. § 1441(a)<sup>2</sup> and 42 U.S.C. § 4072.

<sup>1</sup> Plaintiff improperly named the National Con-Serv., Inc. a national flood insurance servicing agent for the Federal Emergency Agency.

<sup>2</sup> Section 1441(a) states (in relevant part): "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant."

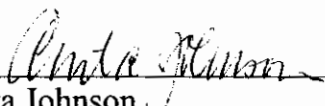
The defendant has attached copies of all state court pleadings received to date to this Notice. The defendant is not aware of any other Notice of Removal of this action.

WHEREFORE, the defendant requests that this action be entered upon the docket of this Court and, upon filing a copy of this Notice with the Clerk of the Plymouth County, Small Claims Court, Wareham District, that the Small Claims Court shall proceed no further.

Respectfully submitted,

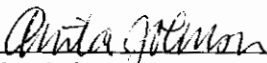
MICHAEL J. SULLIVAN  
United States Attorney

By:

  
Anita Johnson  
Assistant U.S. Attorney  
U. S. Attorney's Office  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3282

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I gave notice of the filing of the foregoing by mailing a copy of same, postage prepaid, first-class mail to the plaintiffs (*pro se*), Anne Mason and Thomas Mason, Box 1136, 368 Bedford Street, Lakeville, MA 02347.

  
Anita Johnson

Dated: April 22, 2005

|  |  |  |  |
|--|--|--|--|
| <b>OFFICE OF SMALL CLAIMS</b><br><b>NOTICE OF TRIAL</b><br><b>BOSTON MUNICIPAL COURT</b>   |  | For Court Use Only:<br><input checked="" type="checkbox"/> <b>0460 SC 1880</b><br><input type="checkbox"/> <b>DISTRICT COURT WAREHAM</b>   | <b>Judicial Court of Massachusetts</b><br><b>Small Claims Session</b><br><input type="checkbox"/> <b>HOUSING COURT</b> |
| PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE<br><b>THOMAS R. MASON</b><br><b>Box 1136 Thomas Mason</b><br><b>368 Bedford St., Lakeville, MA 02347</b><br>PHONE NO: <b>508-923-0256</b>  |  | PLAINTIFF'S ATTORNEY (if any)<br>Name: <b>Thomas R. Mason</b><br>Address: <b>Box 1136, 368 Bedford St. Lakeville, MA 02347</b><br>PHONE NO: <b>508-998-0566</b> BBO NO:  |  |
| DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE<br><b>National Cow-Serv, Inc.</b><br><b>National Flood Insurance</b><br><b>PO Box 6468, Rockville, MD</b><br>PHONE NO:   |  | ADDITIONAL DEFENDANT (if any)<br>Name:<br>Address:   |  |
| PLAINTIFF'S CLAIM. The defendant owes \$ <u>661.05</u> plus \$ <u>40.-</u> court costs for the following reasons:<br>Give the date of the event that is the basis of your claim.   |  |  |  |
| <p><i>Plaintiff purchased flood insurance from the defendant, National Cow-Serv. The plaintiff prepaid her yearly premium, but, before the year expired, cancelled the policy, which is her Right. Employees for the defendant have agreed to refund the amount owed; but for more than a year, refused to abide by its promise.</i></p>                       |  |  |  |
| SIGNATURE OF PLAINTIFF <input checked="" type="checkbox"/>   |  | DATE   |  |
| <b>MEDIATION:</b> Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date. |  |  |  |
| <input checked="" type="checkbox"/> The plaintiff is willing to attempt to settle this claim through court mediation.  |  |  |  |
| <b>MILITARY AFFIDAVIT:</b> The plaintiff states under the pains and penalties of perjury that the:   |  |  |  |
| <input checked="" type="checkbox"/> above defendant(s) is (are) not serving in the military and at present live(s) or work(s) at the above address.  |  | <input type="checkbox"/> above defendant(s) is (are) serving in the military   |  |
| <b>NOTICE TO DEFENDANT:</b><br>You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right:<br><br>If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney.                                 |  | NAME AND ADDRESS OF COURT<br><b>WAREHAM DISTRICT COURT</b><br><b>2200 CRANBERRY HIGHWAY</b><br><b>W. WAREHAM, MA 02576</b><br><br>DATE: <b>3/3/05</b><br><div style="border: 2px solid black; padding: 5px; display: inline-block;"> <b>RECEIVED</b><br/> <b>APR 25 2005</b><br/> <b>DISTRICT COURT DEPT</b><br/> <b>WAREHAM DIVISION</b> </div> |  |

DEFENDANT'S NOTICE (FIRST CLASS MAIL OR OFFICER SERVICE)

COURT USED